

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 486 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

TRIBHUVAN MULJI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR YS MANKAD for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/03/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the special civil application.

2. The petitioner, a Talati-cum-Mantri, a Government servant of the Government of Gujarat, filed this special civil application and prayer has been made for quashing and setting aside of the order dated 7-2-1987, annexure 'A' under which he was placed under suspension. The

petitioner also prayed for the interim relief and this Court on 17th February, 1987 granted interim relief in terms of Para-7(B), which reads as under:

Pending hearing and final disposal of this petition, the impugned order, No.DP:EST: ENK ;707:82, dtd. 7-2-1987; passed by the Respondent No.3 be stayed by an order of interim injunction;

3. On 13th April, 1988, this petition has been admitted and interim relief as granted by this Court earlier was ordered to be continued till further orders. However, the respondents have been given liberty to transfer the petitioner to another place away from the place where the alleged misconduct/offence has taken place. From the order annexure 'A', it appears that the petitioner has been placed under suspension in connection with the departmental inquiry.

4. The writ petition has been amended and from the amended portion of the writ petition it comes out that the petitioner has been served with the chargesheet and this Court has not stayed the proceedings of the departmental inquiry. The petitioner has also not prayed for any stay of the departmental inquiry or for quashing of the chargesheet. There is all possibility that by now the inquiry would have been completed. As suspension order was stayed by this Court for all these years and now nothing in substance survives in this special civil application by passage of time.

5. This special civil application is disposed of in the terms that the suspension order impugned in this special civil application shall be subject to the final outcome of the departmental inquiry initiated against the petitioner. However, it is made clear that in case the inquiry would not have been completed so far then the suspension order may not be given effect to till the completion of the inquiry and the suspension order shall be subject to the final order passed in the inquiry. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.
